

## **REMARKS/ARGUMENTS**

The specification has been amended to update the status of a related application. No new matter is presented with this amendment.

Claim 1 has been amended to clarify the reference to the “first layer”. Claim 2 has been amended to recite the two preferred heat-labile groups of the three described in original Claim 1.

### **Rejection Under 35 U.S.C. §102(b)**

Claims 1-24 have been rejected as anticipated by WO 2001/96119 (Savariar-Hauck et al.). This rejection is respectfully traversed for the following reasons.

It is axiomatic that for a reference to anticipate a claimed invention, every feature of that invention must be described in the reference. That is not the case with the presently claimed invention and the cited Savariar-Hauck et al. reference.

The Office Action has argued over several pages that various features of imageable elements are described in Savariar-Hauck et al. While a number of features in Applicants' claimed invention are found in that reference, there is no description of an imageable element having a “second layer disposed on the first [layer] comprising a hydroxyl group-containing polymer that includes a heat-labile moiety represented by the formula [recited in Claim 1]”. Despite the lengthy statement in the Office Action beginning on page 6 about the “top or second layer”, it fails to point to teaching in Savariar-Hauck concerning “heat-labile moieties” on hydroxyl-containing polymers in that layer. The mere teaching of conventional phenolic resins in Savariar-Hauck et al. is not descriptive of Applicants' top layer polymers that have both hydroxyl groups and the heat-labile moieties defined in Claim 1. Thus, the anticipation rejection over Savariar-Hauck is in error and should be withdrawn.

On page 8 of the Office Action (paragraph 2), U.S. Patent 6,534,238 (Savariar-Hauck et al.) and Japanese Kokai 2000-330265 were “made of record” as “pertinent to Applicants' disclosure”. While these references are cited here, there is no reference to pertinent portions of these references that are being relied upon. More particularly, no differences between the claimed invention and the teaching of those references are stated, no statement of what

modifications would be needed from those references to arrive at the presently claimed invention is made, and no explanation is provided as to how such a proposed modification would be obvious [MPEP 706.02(j)]. Moreover, the Office Action states that they "are cited as teaching *similar* materials". Applicants do not consider these references to be relevant to any part of the presently claimed invention and since MPEP 706.02(j) has not been complied with, they are not being considered any further in this response. However, it is understood that they will be listed on the face of Applicants' granted patent as having been properly considered.

In view of the foregoing amendments and remarks, it is believed that the present application is in condition for allowance. Early action to that end is earnestly solicited.

Respectfully submitted,



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